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Dated: \_\_\_\_\_

Docket No.: 20269/1201777-US2  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Srinivas G. RAO, et al.

Application No.: 10/628,141

Art Unit: 1614

Filed: July 24, 2003

Examiner: Rebecca COOK

For: TREATMENT OF DEPRESSION  
SECONDARY TO PAIN (DSP)

**RESPONSE TO RESTRICTION REQUIREMENT**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This is in response to the Office Action mailed August 12, 2005.

According to the Examiner, claims 1 and 15 are generic to a plurality of patentably distinct species comprising a NSRI or a TRI. The Examiner has required election of a single disclosed species. Applicant hereby elects the species milnacipran. Claims 1-11 and 12-18 are readable upon milnacipran.

Applicant notes that upon the allowance of a generic claim, the Patent Office will consider claims to additional species, which include all the limitations of the allowed generic claim.

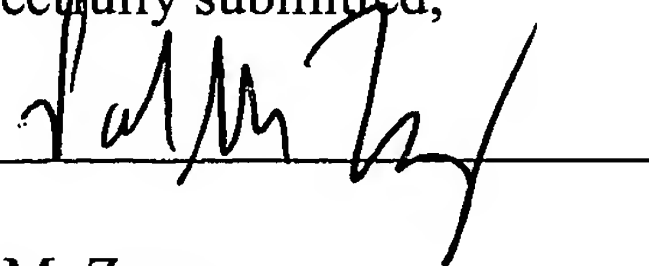
Conclusion

It is believed that this paper is fully responsive to the outstanding requirement for species election. Accordingly consideration of these remarks is respectfully requested.

Dated: September 12, 2005

Respectfully submitted,

By

A handwritten signature in black ink, appearing to read 'Paul M. Zagar', written over a horizontal line.

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on September 12, 2005  
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Response to Restriction Requirement